

# Email exchange between VNSTA President Harry Gural and Rent Administrator Keith Anderson February 7-11, 2017

Important question regarding RAD procedure on rent price submissions by housing providers

Inbox x



**Harry Gural** <harrygural@gmail.com>

Feb 7 (4 days ago) ☆



to keitha.anderson, Danilo, Anita, Barry, Beth, Dennis, Joel, Johanna, John, Jonathan, Mary, Meghan, Amir, Shirley, Shirley, Umar, Perry

Mr. Anderson,

As you know, I have a tenant petition against Equity Residential for charging me a rent increase greater than the legal limit of 2% plus the CPI. I have a court document due on Friday and I need answers to the following two simple questions:

- 1) Does the Rental Accommodations Division check the rent figures submitted by housing providers? (For example, does it check to see if the numbers are plausible -- that a one-bedroom apartment in Van Ness is listed at \$3,500 per month.)
- 2) If a tenant can show that the housing provider has misrepresented rent amounts to RAD (for example, by showing a bank statement), does the RAD investigate?

Many thanks for your attention to this important matter.

...



**Anderson, Keith (DHCD)**

Feb 7 (4 days ago) ☆



to me, Danilo

Good Afternoon, Mr. Gural:

- 1) Historically, RAD has/does not perform a review of rent adjustment filings for rent calculation accuracy.
- 2) Yes. RAD will investigate an allegation that a housing provider has misrepresented rent levels on a rent adjustment filing. When such an allegation is made, a tenant files a tenant petition/complaint to address the issue. Rarely does a tenant request RAD to launch a show cause investigation to resolve a rent adjustment claim in lieu of choosing the tenant petition/complaint adjudication process.

Mr. Anderson



**Harry Gural** <harrygural@gmail.com>

Feb 7 (4 days ago) ☆



to Keith, Danilo

Mr. Anderson,

Thank you for your quick response. However, your response is confusing.

- 3) If a tenant complains that a housing provider is misrepresenting the rent filed with RAD, does RAD initiate an investigation or not? Or must a tenant file a tenant petition and get a ruling at OAH before RAD will investigate?
- 4) How many investigations of tenant complaints has RAD done over the past five years?

...



**Harry Gural** <harrygural@gmail.com>

Feb 7 (4 days ago) ☆



to Keith

I would like to withdraw the second question (#4) in my previous email because I realize that it may not be possible for you to answer that quickly.

But my first question (#3) should be easy to answer:

...



**Anderson, Keith (DHCD)**

Feb 7 (4 days ago) ☆



to me

Mr. Gural:

If a complaint is lodged in lieu of a tenant petition, RAD will investigate. Over the past five years, RAD has received no complaints. RAD does not conduct its own investigation into the merits of allegations raised in a tenant petition.

Mr. Anderson

 **Harry Gural** <harrygural@gmail.com> Feb 7 (4 days ago) ☆    
to Keith ▾

In other words, the tenant gives up his or her right to seek a remedy in OAH if he or she requests a RAD investigation?

...

 **Anderson, Keith (DHCD)** Feb 7 (4 days ago) ☆    
🔒 to me ▾

No. An RAD investigation is a show cause investigation, pursuant to 14 DCMR Sect. 2015, which may result in a hearing before OAH in which RAD is the petitioner; no remedy is afforded the tenant. A tenant who files the underlying complaint that triggered the show cause investigation is not barred from filing a subsequent tenant petition. The nature of RAD proceedings is such that if a tenant is seeking a remedy for his or her sake, the tenant petition/complaint process is the better route to take.

 **Harry Gural** <harrygural@gmail.com> Feb 10 (1 day ago) ☆    
to Keith ▾

Does that mean that a housing provider can submit to the Rental Accommodations Division rent figures that are completely made up? Is there any way for RAD to determine whether the figures are accurate?

...

 **Anderson, Keith (DHCD)** Feb 10 (1 day ago) ☆    
🔒 to me ▾

The rent levels that appear on the notice form must be based on one of the prescribed rent adjustments/authorizing section (annual CPI, vacancy, capital improvement, etc.). The new rent calculation is based on the authorizing section and the prior or current rent charged.


 **Harry Gural** <harrygural@gmail.com> Feb 10 (1 day ago) ☆    
to Keith ▾

Does RAD verify that this is true? That the adjustment is correctly calculated?

...

 **Anderson, Keith (DHCD)** Feb 10 (1 day ago) ☆    
🔒 to me ▾

No. RAD doesn't check the math. If there's an obvious mistake that's detected on the face of the document when filed, such as the wrong CPI percentage, a typographical error or a simple math miscalculation ( $2 + 2 = 5$ ), the mistake will be corrected at the counter.

 **Harry Gural** <harrygural@gmail.com> Feb 10 (1 day ago) ☆    
to Keith ▾

Back to an earlier question -- what if the rent amount submitted by a Housing Provider is clearly not accurate, e.g., a rent provider claims that the rent on a one-bedroom in a not-too-expensive neighborhood is \$10,000 a month? Would RAD investigate, contact the Housing Provider or report this to the Attorney General or other department?